

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February --, 1998

UNITED STATES OF AMERICA,	)	
Complainant	)	
	)	8 U.S.C. 1324a Proceeding
vs.	)	
	)	OCAHO Case No. 98A00031
ARDEN FASHION	)	
CONTRACTING, INC.,	)	
Respondent	)	

ORDER OF DISMISSAL-SETTLED

On December 29, 1997, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a two (2)-Count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging one (1) illegal hire violation in Count I and seven (7) paperwork violations in Count II, for which civil money penalties totalling \$3,990 were assessed.

On February 18, 1998, the parties jointly filed a Motion to Dismiss, together with a five (5) page Settlement Agreement signed by both parties, notifying this Office that a compromise settlement of all matters in controversy had been reached.

Under section 68.14(a) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
  - (1) Submit to the presiding Administrative Law Judge:
    - (i) The proposed agreement containing consent findings; and
    - (ii) A proposed decision and order; or (emphasis added)
  - (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge.

The parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). Accordingly, upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a)(2).

It is further found that:

1. Respondent has withdrawn its request for a hearing on the merits; and
2. That each party shall bear its own costs and attorney's fees; and
3. That respondent will pay a civil money penalty in the total amount of \$2,000 in the manner set forth in the Settlement Agreement; and
4. That it is appropriate to grant the parties jointly filed Motion to Dismiss based upon the notification made pursuant to § 68.14(a)(2); and
5. That complainant's December 29, 1997, Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire  
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this -- day of February, 1998, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer  
Skyline Tower Building  
5107 Leesburg Pike, Suite 2519  
Falls Church, Virginia 22041  
(original hand delivered)

Dea Carpenter  
Associate General Counsel  
Immigration and Naturalization Service  
425 "I" Street, N.W., Room 6100  
Washington, D.C. 20536  
(one copy sent via regular mail)

Mimi Tsankov, Esquire  
Immigration and Naturalization Service  
P.O. Box 2669  
New York, New York 10008-2669  
(one copy sent via regular mail)

Arman Izmirlyan, President  
Arden Fashion Contracting, Inc.  
750 Johnson Place  
West Hampstead, NY 11550  
(one copy sent via regular mail)

Laurence C. Fauth  
Attorney Advisor to  
Joseph E. McGuire  
Administrative Law Judge  
Department of Justice  
Office of the Chief Administrative  
Hearing Officer  
5107 Leesburg Pike, Suite 1905  
Falls Church, Virginia 22041  
(703) 305-1043